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wml wherein NL1 and NL2 are the numbers of lens elements comprising the first lens unit
and the second lens unit, respectively.

REMARKS

Summary of patentability issue

Independent Claims 13, 27, 28, 29, 32 and 33 recite at least one feature not disclosed or suggested by the claims of U.S. Patent No. 6, 154,322 and the patent to Yahagi. Therefore, are independent Claims 13, 27-29, 32 and 33 allowable over this art?

Status of the Claims

Claims 2 to 33 are pending in the present application, with Claims 13, 27, 28, 29, 32 and 33 being independent. Claim 12 has been amended. Claims 20-33 have been added.

Requested Action

Applicant requests favorable reconsideration of the subject application in view of the foregoing amendments and the following remarks.

Allowable subject matter

Applicant gratefully acknowledges the indication that Claims 16-19 contain allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has not redrafted these

claims in independent form because the independent claim from which they depend is believed to be allowable for the reasons discussed below.

Substantive Rejection

Claims 2-15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-22 of U.S. Patent No. 6,154,322 (Nakayama) in view of U.S. Patent No. 6,014,268 (Yahagi).

Response to substantive rejection

In response, this rejection is respectfully traversed for the following reasons.

Independent Claim 13 relates to a zoom lens comprising, in order from an object side to an image side, a first lens unit of negative refractive power, located closer to the object side than any lens units of the zoom lens, an aperture stop, and a second lens unit of positive refractive power. The separation between the first lens unit and the second lens unit is varied during zooming, and the following condition is satisfied: $3 \leq NL1 \leq 4$ and $NL2 \leq NL1$, where NL1 and NL2 are the numbers of lens elements comprising the first lens unit and the second lens unit respectively.

In contrast, neither Claims 1-22 of the Nakayama patent, nor the patent to Yahagi are understood to disclose or suggest the concept of an aperture stop between a first lens unit and a second lens unit having fewer lens elements than the first lens unit, as recited by independent Claim 13. Since neither patent teaches this concept, Applicant submits that it would be

unobvious to combine the references to produce this feature. Therefore, Applicant respectfully request that the rejection of this claim over this art be withdrawn.

New independent Claim 27 relates to a zoom lens comprising, in order from an object side to an image side, a first lens unit of negative refractive power, located closer to the object side than any lens units of the zoom lens, the first lens unit having a positive lens element located closest to the object side; and a second lens unit of positive refractive power, wherein the separation between the first lens unit and the second lens unit is varied during zooming, and following condition is satisfied: $3 \leq NL1 \leq 4$ and $NL2 \leq NL1$, where NL1 and NL2 are the numbers of lens elements comprising the first lens unit and the second lens unit, respectively. Applicant submits that this claim is allowable because neither Claims 1-22 of the Nakayama patent, nor the patent to Yahagi are understood to disclose or suggest the concept of a zoom lens comprising a first lens unit having a positive lens element located closer to the object side and a second lens unit having fewer lens elements than the first lens unit, as recited by independent Claim 27.

Independent Claim 28 relates to a zoom lens comprising, in order from an object side to an image side, a first lens unit of negative refractive power, located closer to the object side than any lens units of the zoom lens, the first lens unit consisting of two positive lens elements and two negative lens elements, and a second lens unit of positive refractive power, wherein the separation between the first lens unit and the second lens unit is varied during zooming, and the following condition is satisfied: $3 \leq NL1 \leq 4$ and $NL2 \leq NL1$, where NL1 and NL2 are the numbers of lens elements comprising the first lens unit and the second lens unit, respectively. Applicant submits that this claim is allowable because neither Claims 1-22 of the Nakayama

patent, nor the patent to Yahagi are understood to disclose or suggest the concept of a zoom lens comprising a first lens unit consisting of two positive lens elements and two negative lens elements and a second lens unit having fewer lens elements than the first lens unit, as recited by independent Claim 28.

Independent Claim 29 relates to a zoom lens comprising, in order from an object side to an image side, a first lens unit of negative refractive power, located closer to the object side than any lens units of the zoom lens, the first lens unit consisting of, in order from the object side to the image side, a positive lens element, a negative lens element, a negative lens element and a positive lens element, and a second lens unit of positive refractive power, wherein the separation between the first lens unit and the second lens unit is varied during zooming, and the following condition is satisfied: $3 \leq NL1 \leq 4$ and $NL2 \leq NL1$, where NL1 and NL2 are the numbers of lens elements comprising the first lens unit and the second lens unit, respectively. Applicant submits that this claim is allowable because neither Claims 1-22 of the Nakayama patent, nor the patent to Yahagi are understood to disclose or suggest the concept of a zoom lens comprising a first lens unit consisting of, in order from the object side to the image side, a positive lens element, a negative lens element, a negative lens element, and a positive lens element, and a second lens unit having fewer lens elements than the first lens unit, as recited by independent Claim 29.

Independent Claim 32 relates to a zoom lens comprising, in order from an object side to an image side, a first lens unit of negative refractive power, located closer to the object side than any lens units of the zoom lens, a second lens unit of positive refractive power, the second lens unit consisting of three positive lens elements and a negative lens element, where the separation between the first lens unit and the second lens unit is varied during zooming, and the following

condition is satisfied: $3 \leq NL1 \leq 4$ and $NL2 \leq NL1$, where NL1 and NL2 are the numbers of lens elements comprising the first lens unit and the second lens unit, respectively. Applicant submits that this claim is allowable because neither Claims 1-22 of the Nakayama patent, nor the patent to Yahagi are understood to disclose or suggest the concept of a zoom lens comprising a first lens having more lens elements than a second lens unit consisting of three positive lens elements and a negative lens element, as recited by independent Claim 32.

Independent Claim 33 relates to a zoom lens comprising, in order from an object side to an image side, a first lens unit of negative refractive power, located closer to the object side than any lens units of the zoom lens, a second lens unit of positive refractive power, the second lens unit consisting of, in order from the object side to the image side, a positive lens element, a positive lens element, a negative lens element and a positive lens element, where the separation between the first lens unit and the second lens unit is varied during zooming, and the following condition is satisfied: $3 \leq NL1 \leq 4$ and $NL2 \leq NL1$, wherein NL1 and NL2 are the numbers of lens elements comprising the first lens unit and the second lens unit, respectively. Applicant submits that this claim is allowable because neither Claims 1-22 of the Nakayama patent, nor the patent to Yahagi are understood to disclose or suggest the concept of a zoom lens comprising a first lens having more lens elements than a second lens unit consisting of, in order from the object side to the image side, a positive lens element, a positive lens element, a negative lens element and a positive lens element, as recited by independent Claim 32.

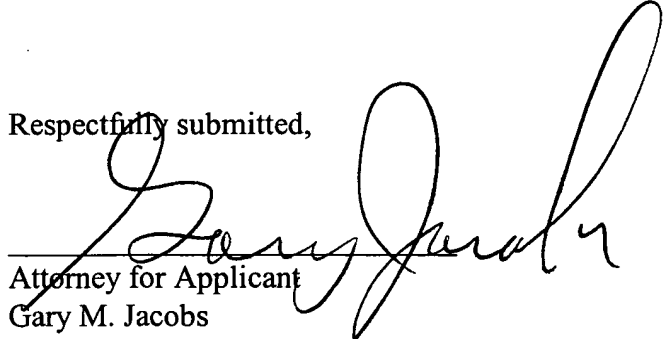
The dependent claims are allowable for the reasons given with respect to the independent claims and because they recite features which are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

In view of the above amendments and remarks, the claims are now in allowable form.

Therefore, early passage to issue is respectfully solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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MARKED-UP CLAIM SHEET

12. (Amended) A photographing apparatus comprising:
a zoom lens according to one of Claims 2 to 11 and 13 to 33; and
an image pickup element provided on an image plane of said zoom lens.